

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL WAPPLER #158169,

Plaintiff,

Case No.: 4:05-cv-90

v.

HONORABLE PAUL L. MALONEY

MATTHEW BREVARD et al,

Defendants.

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**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation (Dkt. #242) is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Plaintiff's Motion to Strike Defendant Hocking's Second Motion for Summary Judgment (Dkt. #216) is denied.

IT IS FURTHER ORDERED that Defendants Hocking and Hulbert's Rule 56(b) Motion for Summary Judgment (Dkt. #206) is granted as to Defendant Hocking and dismissed as moot as to Defendant Hulbert. Defendant Hocking is terminated from this lawsuit.

Dated: September 20, 2007

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge